

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Tuesday, September 21, 2004

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - FRESNO

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Verdiaz, the Calendar Clerk, at (559) 498-7220 by 5:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

1:00 P.M.

8. [03-17931](#)-B-13 LYDIA SPITZER HEARING - TRUSTEE'S MOTION
MNE #1 TO DISMISS [[20](#)]
PETITION FILED 8/28/03

This matter will be called on the 1:30 p.m. calendar.

1:30 P.M.

3. [99-15711](#)-B-13 TERRY & DIANA BOWLIN HEARING - DEBTORS' MOTION
THA #1 FOR HARDSHIP DISCHARGE
PETITION FILED 6/24/99 [[21](#)]

THOMAS ARMSTRONG/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

6. [04-15028](#)-B-13 CONRADO & LORRAINE MARTIN HEARING - MOTION TO VALUE
COLLATERAL OF KERN SCHOOLS
PETITION FILED 6/10/04 FEDERAL CREDIT UNION [[19](#)]

DAVID MILLIGAN/Atty. for dbt.

The matter has been withdrawn, or resolved by stipulation of the parties. No appearance is necessary.

7. [04-15028](#)-B-13 CONRADO & LORRAINE MARTIN HEARING - MOTION TO VALUE
COLLATERAL OF SERVICE CREDIT
PETITION FILED 6/10/04 UNION [[19](#)]

DAVID MILLIGAN/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

8. [04-15028](#)-B-13 CONRADO & LORRAINE MARTIN HEARING - MOTION TO CONFIRM
DLM #3 DEBTOR'S FIRST AMENDED
PETITION FILED 6/10/04 CHAPTER 13 PLAN [[19](#)]

NON-OPP BY TRUSTEE

DAVID MILLIGAN/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

10. [03-10931](#)-B-13 ORVAL & SANDRA BOREN
DPA #1
PETITION FILED 1/30/03
HEARING - MOTION FOR
CONFIRMATION OF SECOND MODIFIED
PLAN [[50](#)]

DAVID ADALIAN/Atty. for dbt.

The motion is denied without prejudice. The notice period does not comply with F.R.B.P. 2002(a)(5), F.R.B.P. 3015(g) and this court's General Order 03-03, ¶ 8(b).

12. [01-17433](#)-B-13 DONNIE & FREDDIE EASON
FF #1
PETITION FILED 8/7/01
HEARING - MOTION TO CONFIRM
DEBTORS' FIRST MODIFIED PLAN
[[24](#)]

GARY FRALEY/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

14. [04-15638](#)-B-13 BENITA MARIE PEREZ
EE #1
PETITION FILED 6/29/04
HEARING - OBJECTION TO
CONFIRMATION OF CHAPTER 13 PLAN
[[11](#)]

BENEFICIAL CALIFORNIA, INC., VS.

CASE DISMISSED 9/8/04

MARK ESTLE/Atty. for obj.

The case having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

15. [03-16540](#)-B-13 ERNESTO & ANA LOPEZ
PBB #4
PETITION FILED 7/15/03
HEARING - MOTION TO MODIFY
CONFIRMED PLAN [[49](#)]

NON-OPP BY TRUSTEE

PETER BUNTING/Atty. for dbt.
M. NELSON ENMARK, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

16. [04-15140](#)-B-13 DENNIS & ROSEMARY SHAWVER
PBB #2
PETITION FILED 6/14/04
HEARING - MOTION FOR
CONFIRMATION OF DEBTORS' FIRST
AMENDED PLAN [[27](#)]

CASE DISMISSED 8/25/04

PETER BUNTING/Atty. for dbt.

The case having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

17. [04-15140](#)-B-13 DENNIS & ROSEMARY SHAWVER HEARING - MOTION TO VALUE
PBB #3 COLLATERAL OF FORD MOTOR CREDIT
PETITION FILED 6/14/04 CORPORATION [[32](#)]

CASE DISMISSED 8/25/04

PETER BUNTING/Atty. for dbt.

The case having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

19. [04-15945](#)-B-13 GERALD & DEIRDRE BISHEL HEARING - MOTION FOR RELIEF
JMG #1 FROM STAY [[25](#)]
PETITION FILED 7/9/04

BANK OF AMERICA, VS.

JOAN GRIMES/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

23. [04-16959](#)-B-13 JOAO & MARIA OLIVEIRA HEARING - OBJECTION TO
SW #1 CONFIRMATION OF CHAPTER 13 PLAN
PETITION FILED 8/11/04 AND MOTION TO VALUE COLLATERAL
(MOTION NOT ON FILE) [[6](#)]

GENERAL MOTORS ACCEPTANCE, VS.

DONALD CRAM, III/Atty. for obj.

The matter has been withdrawn, or resolved by stipulation of the parties. No appearance is necessary.

27. [04-11384](#)-B-13 ALBERT & ROSA VALLE HEARING - APPLICATION FOR
JES #3 APPROVAL OF TRUSTEE'S FEES AND
CONVERTED: 7/23/04 EXPENSES (CHAPTER 7 TRUSTEE
PRIOR TO CONVERSION)
[[48](#)]

JAMES SALVEN/Applicant

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

32. [04-12991](#)-B-13 HENRY NUTT, JR. HEARING - MOTION FOR
KO #1 AND SYLVIA NUTT CONFIRMATION OF FIRST AMENDED

KEVIN O'CASEY/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.